

SUMMARY OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL GOVERNANCE ADVISORY COMMITTEE MEETING

July 23, 2001

MAG Offices

302 North 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

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| * Representative Carolyn Allen, Arizona House<br>Roc Arnett, State Transportation Board | * Valerie Manning, Greater Phoenix Chamber<br>of Commerce      |
| * Bill Beyer, Citizens Transportation Oversight<br>Committee                            | Diane McCarthy, WESTMARC                                       |
| * Senator Ed Cirillo, Arizona State Senate  | * Mayor Robert Mitchell, Casa Grande                           |
| * Mayor Doug Coleman, Apache Junction   | Kevin Olson, Governor's Transportation<br>Vision 21 Task Force |
| Representative Dean Cooley, Arizona House   | * Mary Peters, ADOT  |
| * Representative Deb Gullett, Arizona House   | Supervisor Sandie Smith, Pinal County                          |
| Ivan Johnson, Cox Communications  | ■ John Carlson, Governor's Office                              |

\* Not present

■ Invited Guest

1. Call to Order

The Regional Governance Advisory Committee meeting was called to order by James M. Bourey at 11:45 p.m. At that time, the committee introduced themselves. Mr. Bourey provided information from the July 10, 2001 Advisory Committee meeting for those who were not present.

2. Comparative Analysis of Governance Structures in Other Regions

Mr. Bourey stated that a comparative analysis survey of other councils of government was prepared by MAG staff. Mr. Bourey stated that there were three items of discussion he would cover: the comparative analysis of peer organizations, changes considered by other Regional Councils, and changes implied to the governing body because of the reauthorization of TEA-21 in 1998. He explained that the survey asked organizations from 16 similar regions six questions: 1) What is the composition of your membership and governing board? 2) How does your organization capture private and other public sector input? 3) Are you a Metropolitan Planning Organization? 4) Do you have other forms of membership (affiliate or associate)? 5) What is your organization's legal standing? 6) Is your organization currently examining its membership? Mr. Bourey reviewed the findings of the survey responses. Mr. Bourey asked if there were any questions.

Representative Dean Cooley commented on including the perception of parochialism as part of the survey. Mr. Bourey explained that when the survey was conducted in 1999, the purpose was to obtain facts.

Mr. Bourey stated that the Advisory Committee, at their July 10th meeting, discussed the issues that need to be addressed. Mr. Bourey noted that the perception of accountability is an issue because the Regional Council is a large body. He indicated that the Regional Council is seeking advice on this. Mr. Bourey stated that the perception of the Regional Council is that each member brings their own interests to the table. He noted that he has been pleased that the Regional Council has made decisions with the region's interest at heart.

Roc Arnett asked if any national professional organization had expressed an opinion on which MPO works best and why? Mr. Bourey stated that there is no definitive example on a national level. Mr. Bourey replied that MAG is a leader on many issues. He noted that Seattle could be an example in governance. Mr. Bourey commented that the best examples of organizations with inclusive functions are MAG and Seattle. He explained that Southern California and Atlanta do not provide inclusive planning functions. Denver does most functions, with the exception of air quality.

Ivan Johnson asked what has driven those with private sector participation to have included the private sector? Mr. Bourey commented on concerns that decision-making processes have been less inclusive. The private sector is important to consider. Mr. Bourey explained that when the private sector is included in the process and an issue goes to a vote, the inclusion creates a larger buy-in. He noted that most COGs surveyed indicated their appreciation of private sector inclusion. Mr. Johnson commented that Atlanta has included the private sector, yet is not viewed as a good example. Mr. Bourey replied that Atlanta had private sector participation for many years; however, this did not result in satisfaction by the private sector.

Supervisor Sandie Smith stated that Pinal County has been working cooperatively with the private sector to accomplish the building of three roads, which could not have been funded without their financial support. Supervisor Smith commented that the private sector teamed with the County to provide funding and the County commissioned and controlled the study and the roads.

Diane McCarthy stated that the White Paper document suggested adding membership to private sector organizations and agencies outside Maricopa County. She noted the current discussion of significant restructuring. Ms. McCarthy asked for clarification of the degree of restructuring. Mr. Bourey explained that the White Paper document precipitated Management Committee and Regional Council decisions to take a more broad view of the MAG structure. Ms. McCarthy asked if restructuring was currently on the table. Mr. Bourey confirmed that it was. He noted that although minor changes would be simpler to accomplish, many options are being considered.

Supervisor Smith expressed concern that because of Pinal County's smaller size, their voice might not be heard. Mr. Bourey stated that MAG is a voluntary organization, and if Pinal County joined MAG, it would be on a voluntary basis. He explained that each agency, regardless of size, has one vote at MAG. Even though an agency is not large, they are equally represented. Mr. Bourey stated that some

of the MAG member agencies are smaller than Pinal County, and they are heard at MAG. Dennis Smith commented that air quality does not respect boundaries. He noted that the question is how to solve problems and involve Pinal County. Mr. Bourey mentioned that Queen Creek is a voting member of CAAG. Supervisor Smith stated that Pinal County is currently meeting with east valley cities on road issues. Mr. Bourey explained the jointly funded joint studies now underway for these areas. Representative Cooley asked if the study meant another corridor was being considered. Mr. Bourey confirmed that was correct.

### 3. Overview of Governance Discussions in Other Regions

Mr. Bourey stated that a report on governance issues being addressed in other metropolitan regions has been prepared by the MAG consultant. Mr. Bourey stated that because of the air quality problems in Atlanta, road projects ceased. He stated that the business community went to the Governor, and the Georgia Regional Transportation Authority (GRTA) was formed. The MPO in Atlanta, the Atlanta Regional Commission (ARC), now has to have its land use plans and transportation decisions approved by GRTA. Mr. Bourey noted that this did not change the MPO designation, just created another layer of government. He indicated the GRTA has the power to overrule local land use decisions. Mr. Bourey stated that ARC has had private sector members on its board and ARC members serve on private sector organizations. He stated that GRTA representatives are appointed by the Governor. There is an incentive system by ARC to reward jurisdictions that are more compatible with the transportation plan. Mr. Bourey stated that transit is provided in the ARC region by other regional public agencies.

Mr. Bourey reviewed his findings for Chicago's Northeastern Illinois Planning Commission (NIPC) He stated that the private sector was frustrated with the lack of effective regional planning and created its own regional organization and its own plan, *Metropolis 2020*. They are currently trying to get the government to approve the plan. Mr. Bourey stated that the NIPC is trying to rebuild their leadership and hope to engage a connection with the private sector once a reconnection with the public is made Mr. Bourey noted that NIPC is not the MPO. Transit service is provided by other regional transportation entities.

Mr. Bourey stated that the Denver Regional Council of Governments (DRCOG) drafted the *Metro Vision 2020* in response to growth concerns. Mr. Bourey stated that non-local government officials serve on policy boards that make recommendations to the full board of local officials. He noted that DRCOG is the MPO. Bus and light rail service are provided by a separate regional agency. Mr. Bourey stated that the Denver area has some air quality issues. Mr. Bourey stated that the Mile High Compact is the first regional intergovernmental agreement to implement a growth management strategy. He mentioned recent legislation to give DRCOG authority on growth, which was tabled.

Mr. Bourey stated that the Metropolitan Council in Minneapolis/St. Paul was created by the Legislature in 1967 to handle wastewater discharge into the Mississippi River. The Legislature has since added regional land use planning, affordable housing, regional development authority, and parks and trails planning and funding to their responsibilities. Mr. Bourey stated that the Governor appoints members to the Council and has drawn heavily from the private sector. He noted that the Metropolitan Council is the MPO and operates the bus system. Mr. Bourey stated that the Metropolitan Council is unique in

that it is the only regional agency with property tax revenue sharing. He noted that the Metropolitan Council encompasses over 100 cities.

Mr. Bourey reviewed the findings for Metro in Portland, Oregon. He stated that Metro is a government, and representatives are directly elected. Because of the loss of agricultural land in the 1970s, the governor set up state government driven land use planning that created regional authorities. Mr. Bourey noted that Oregon legislation requires a high degree of citizen participation. He stated that no private sector members serve on Metro, they are all directly elected. Mr. Bourey stated that in addition to being the only directly elected regional government in the country, Metro has the statutory authority to dictate land use, provide affordable housing numbers, provide stream protection, and open space. Mr. Bourey stated that Metro operates solid waste, the zoo, the convention center, the coliseum and the arts center.

Mr. Bourey reviewed the findings on the San Diego Association of Governments (SANDAG). He explained that legislation passed in the State of California that created a regional Government Efficiency Commission that has to make recommendations on the consolidation of regional agencies to the legislature at their 2001 session. If passed by the legislature, the voters will vote in November 2001. Mr. Bourey stated that SANDAG is the MPO. Four different agencies in San Diego County manage and operate transit, airports, and intermodal terminals. Mr. Bourey stated that SANDAG is very focused on connections with Mexico, including a new airport and the work force.

Mr. Bourey stated that the Puget Sound Regional Council (PSRC) was formed after the State of Washington passed a growth management law that required regional plans. Mr. Bourey stated that PSRC includes private and community members on its policy, transportation, and growth management boards, but not on their regional council. PSRC has a large membership of 74, which meet annually and approve the budget, election of officers, and general plan. He stated that a smaller group meets monthly.

Mr. Bourey stated that the Atlanta Regional Commission has long been credited with superb staff work on regional planning and research, but local and state officials did not follow their findings. He stated that increasingly different types of mechanisms are being used to add non-local officials to the decision making process, but that alone does not guarantee buy-in. Mr. Bourey mentioned that states impact how organizations are designated.

Mr. Johnson asked the reasons the consultant selected the example cities. Mr. Bourey responded that the selected cities had examined their structures, and provided dramatic examples of changes. Ms. McCarthy asked if there is a desire on the part of the Regional Council to examine the regional planning process or make policy statements for an area larger than Maricopa County. Mr. Bourey stated that some Regional Council members have expressed a strong interest because of growth. He mentioned that currently, there is no plan to take an enhanced role for regional land use planning for reviewing general plans to the Regional Council. Ms. McCarthy noted discussion at the Governor's Transportation Vision 21 Task Force meetings on tying land use to transportation. She stated that this has not been done in Arizona. Ms. McCarthy asked if the Regional Council would be responsive to this issue. Mr. Bourey

replied that many Regional Council members realize that this tie-in will have to happen. The format will be very important and many will listen.

Kevin Olson noted his agreement with Ms. McCarthy's comments. He stated that a significant part of the perception of a regional problem is not parochialism, but not recognizing how some local decisions impact the regional economy and regional transportation system. Mr. Olson stated that the process to coordinate land use and transportation needs improvement. Mr. Smith commented on the extensive effort now underway to draft the new Regional Transportation Plan. He stated that city planning directors are involved in providing input on land use, jobs and housing balance. Dennis Smith stated that if a simple plan involving only transportation is done, one direction would be followed, but if all factors are considered, the plan follows another direction. He mentioned that a decision needs to be made whether the solution will be short or long term.

Supervisor Smith commented on having a plan in place as areas are developed. If a plan is in place, requests can be made to developers to add roads. This removes the burden from ADOT and cities. Supervisor Smith indicated that developers are willing to pay, but a plan needs to be in place so the request can be made.

Mr. Olson stated that an examination of other areas beside where new development is taking place is needed. He stated that the base questions are how three million new residents can be accommodated outside the current urban area and how many do we want to move into redeveloped areas. Mr. Olson commented on the need for more attention to infill and redevelopment. He asked what do we want for the region as a whole? Mr. Bourey stated that current land use plans could accommodate 13 million people in Maricopa County at buildout. He indicated that there is no way a 20 year transportation plan could accommodate that amount of growth.

Supervisor Smith commented on the need to improve the plan for land splits. She commented that disorganized development will impact all.

#### 4. Review of Possible TEA-21 Related Possible Enhancements to the MAG Structure

Mr. Bourey stated that the Governance Task Force will meet on July 26, 2001 to discuss direction and a list of specific items for input by the Advisory Committee.

Mr. Bourey stated that at the July 9, 2001 meeting of the MAG Governance Task Force, an overview of MPO roles and responsibilities was provided. In this overview, it was noted that MPOs established after December 18, 1991 had different requirements regarding including modal representatives on the policy body. Mr. Bourey stated that members of the Task Force requested that staff develop possible enhancements to the MAG structure, following the requirements for MPOs established after December 18, 1991. Mr. Smith stated that MAG has been the MPO since 1973. He indicated that because MAG was established prior to 1991, there were no required changes to the MAG structure. However, additional modal participation was encouraged. Mr. Smith stated that a table was developed that showed what MAG would be like if it had been formed after 1991. Mr. Smith reviewed the possible

enhancements shown on the table. He noted that Apache Junction would be a voting member of MAG had MAG been formed after the 1991 legislation.

Mr. Olson commented on accountability. He expressed concern for the diffusion of responsibility in a large governing body. He indicated that enhancements to the structure by adding more members adds to the diffusion. Mr. Olson asked if federal requirements could be satisfied by adding representation to subcommittees and having a smaller group, such as an executive committee, to be responsible for decisions. Mr. Bourey clarified that adding representation is not required because MAG is grandfathered. However, adding modal representation is encouraged. Mr. Bourey indicated that there is nothing that would prohibit a smaller decision-making body from being formed. Mr. Smith stated that another option would be to expand membership in the Regional Council Transportation Subcommittee. Through the By-laws, further responsibilities could be defined.

Mr. Bourey handed out the list of newly scheduled Advisory Committee meetings. He noted the meeting time change to 1:30 p.m. on August 23, 2001. Representative Cooley mentioned his desire to attend the Advisory Committee meetings, but some of the meetings conflicted with conferences he had planned to attend. Mr. Bourey noted that if a conflict arose, he would meet individually with members unable to attend a meeting. Mr. Cooley asked for clarification of discussion at the August 15th meeting. Mr. Bourey replied that direction and a list of specific items from the Task Force for input by the Advisory Committee would be discussed. Supervisor Smith asked if the list was a complete list of meetings. Mr. Bourey explained that when the Task Force was formed, the action included drafting a preliminary report in 60 days, and their charge completed by December. Mr. Bourey requested input on the meeting schedule.

Ms. McCarthy commented on providing interim reports to the Regional Council. Mr. Bourey stated that substantive findings would be included in the report due in 60 days. He noted that he updates the Regional Council monthly on items of general interest. Mr. Bourey acknowledged that a more detailed report may be needed.

Representative Cooley asked about private sector participation on MAG committees. Mr. Bourey stated that the private sector serves on some MAG committees, but participation is not as broad as it may need to be. Representative Cooley asked the reasons or advantages for having proportional governing boards. Mr. Bourey stated that proportional voting would be discussed at the next meeting. He stated that weighted voting is looked upon as a mechanism for larger cities to dominate. Proportional voting builds in weighted voting. He noted that organizations put more confidence in proportional voting because they have more representation and more interest. Representative Cooley commented on a court decision for one vote per one representative. He stated that proportional voting was challenged and found to be illegal. Representative Cooley asked the basis for MAG's weighted voting. Mr. Bourey stated that a weighted vote is taken at a member agency request. He explained that a weighted vote must pass on both the weighted vote, representing a majority of the population, and a simple majority. Supervisor Smith asked if MAG had ever used weighted voting. Mr. Smith replied that MAG has used weighted voting twice.

There being no further business, the meeting was adjourned at 1:05 p.m.